DOCUMENT RESUME

ED 188 403 EC 124 363

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TITLE Issues to Consider in the Use of Physical Restraint and Time-Out Procedures.
PUB DATE Apr 80
NOTE 18p.: Paper presented at the Annual International Convention of The Council for Exceptional Children (58th, Philadelphia, PA, April, 1980, Session Th-39).

EDRS PRICE MF01/PC01 Plus Postage.
DESCRIPTORS Behavior Modification; *Behavior Problems; Elementary Education; *Emotional Disturbances; *Ethics; Legal Problems; *Punishment; *Timeout

ABSTRACT

The author discusses the legal and administrative concerns, best professional practices concerns, and political concerns related to the use of physical restraint and time out procedures with seriously behaviorally disordered children. Among the points made are that the courts may consider such approaches to be cruel and unusual; that direct punishment may fail to inhibit aggression and may actually tend to increase its occurrence; that there is a need to specify the types of behavior with which such techniques are used as well as the age of students with whom they are used; and that information must be provided to a community including the parents of handicapped and nonhandicapped students, other teachers, and others regarding the purposes of these procedures. Appended are time out guidelines. (SBH)

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5100-D?4987-4/80

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ISSUES TO CONSIDER IN THE USE OF PHYSICAL RESTRAINT AND TIME-OUT PROCEDURES*

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While recently previewing potential professional training films produced by Wediko Films of Boston, memories of my more direct service days returned. These films depict a summer camp program for seriously behaviorally disordered youngsters. They vividly illustrate the use of physical restraint techniques with such children and the grueling passage a professional experiences when co-existing with an out-of-control child through a period of time requiring physical restraint. These films also revived my memories of participating in such sessions while working within institutional settings. They also brought back that nagging question concerning whether such techniques really help a given child. During those times we were not particularly adept at keeping sufficient data to answer such questions!

One of the inherent weaknesses in trying to address the topic "Issues to Consider in the Use of Physical Restraint and Time-out Procedures" is that there are most likely disparate issues involved with physical restraint as opposed to time-out procedures. Physical restraint might be defined as forceably restraining a student who, in someone's estimation, is out-of-control; while time-out may be defined as a fairly specific behavioral intervention describing the placement of a student into a situation in which positive reinforcement possibilities are eliminated for a specified period of time.

*Presentation made at 58th Annual Council for Exceptional Children Convention, Philadelphia, Pennsylvania, April 22, 1980.

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Time limitations preclude the discussion of many of the important issues associated with this topic and those interested in pursuing these topics in more detail might review such sources as Wood and Lakin (1978), Gast and Nelson (1977) and Grayson, Kiraly and McKinnon (1979). I am going to attempt to provide an overall look at these issues which may err in the direction of over-simplifying a highly complex issue. For those wishing to have more specific guidelines, I am including examples of these in the appendices to this paper.

I have divided my discussion into three areas, although these areas do overlap. These are:

(1) legal and administrative concerns,

(2) best professional practices concerns, and

(3) political concerns.

Legal and Administrative Concerns

To implement any procedures related to physical restraint and/or time-out without first reviewing the legal and administrative implications would be foolish. Those days of old when we could use various procedures to help "those poor disturbed children" and be accountable to few, especially if we worked in a residential program outside of the rubric of public education, are gone. And rightfully so.

Among the basic questions which we need to ask are (1) Are the most closely located governing bodies including the immediate administration, local school board and other consumers such as parents aware of and approving of these procedures? (2) Are these procedures consistent with any state statutes governing the implementation of any such procedures. And (3) would these procedures appear "reasonable" if we were brought before the courts

on a charge of "cruel and unusual punishment"? Caution is advised if you hesistate to answere in the affirmative to any of these questions.

At times we might prefer not to review physical restraint or time-out procedures with our local administration, board or parents because we believe that to do so might lead to unnecessary discussion and opposition. We may even be seduced into thinking, "Well, I'll go ahead and do what I know is necessary and hope nothing happens." Along with this we might even choose to ignore any state statutes, rules or guidelines because, after all, these are promulgated by those people so far away from the real world! However, I believe that unless you are following such external review procedures, you are placing both yourself and your program in jeopardy.

Another issue that is commonly held forth in legal and quasilegal settings revolves around the reasonableness of such approaches. Closely alligned to this would be the cries from critics that such procedures reflect cruel and unusual punishment.

We have every right to be humble in predicting what would be judged "cruel and unusual" in our courts. However, some of the self-questioning we could apply in anticipating such an accusation includes: (1) Have these proposed procedures been reviewed by other professionals? (2) Are these procedures consistent with current literature and research? (3) Can we show that these procedures are leading to improvement in an individual pupil's behavior (e.g. a reduction in the rate of those behaviors which most would judge inappropriate and offensive)? And (4) have preferable alternatives short of these procedures been attempted and proven unsuccessful?

Best Professional Practices Concerns

In addition to the legal/administrative concerns discussed above, there are also a number of "best practices" concerns which need to be addressed in the areas of physical restraint and time-out. Within our current litigation era we may tend to shove these concerns aside to be looked at "when we have time" but to do so leads to delusions of adequacy based on weak professional foundations.

Recent research in human aggression has led to the empirical verification of two types of aggression: irritable and instrumental. Irritable or hostile aggression, when observed, tends to take on an "irrational" direction with the primary goal being to harm the target of such aggression (Baron, 1977). The second, and more commonly observed type of aggression seen in our classrooms, is described as instrumental aggression. In this situation the aggressor attacks another person primarily as a means of attaining goals other than merely the desire to see the attacked student or teacher suffer. This latter type of aggression is primarily manipulative by nature and is more readily amenable to more operant (behavior-modification) strategies in our intervention programs.

One note of caution would be appropriate here. This dichotomization of aggression relies on what some writers have warned us to avoid. That is, by dividing classroom aggression into hostile and instrumental we are making assumptions regarding the intent of a particular youngster's aggressive behavior in our classroom. As Knutson (1973) has pointed out, the issue of intent has been prominent in aggression research and we must be careful to anchor our suppositons regarding aggressive intent with observable events which tend to verify the hostile or instrumental nature of a particular

aggressive action.

But why is it important to differentiate hostile and instrumental aggression? I believe the most pressing reason for doing so is the observation that our classroom interventions and the probability of such interventions being successful is based on the qualitative aspects in the behaviors with which we are dealing.

One view, which has been perhaps inadvertantly stressed via operant research, is that all behavior is controlled by the consequences following such behavior. But, as pointed out by Patterson and Cobb (1973), the antecedents leading to a particular event may also be important in determining the particular behavioral repertoire exhibited by a youngster. The role of antecedent events seems to be particularly important in what was described earlier as hostile or irritable aggression. In such a situation, the use of punishment, time-out, or other consequent interventions would not appear to be appropriate. As Baron (1977) states, "...direct punishment may often backfire and totally fail to inhibit aggression - or may actually tend to increase its occurrence." (238)

For planning interventions to be used within a program this finding again implies that a closer look must be given to the aggressive act. If, upon closer examination, the aggressive acts appear to be of an irritable or hostile nature, then interventions other than time-out might be more successful. These may include modifying the environment, using such techniques as relaxation training or other precursor interventions to reduce the probability of the aggressive act occurring.

Another issue we need to keep in mind in the use of physical restraint and time-out is similar to the cautions which have been raised in the use of aversives generally. The raison de'tre of the effective use of aversive

techniques is the pairing of such procedures with the reinforcement of desired behaviors to replace those behaviors which we are attempting to eliminate. We need to keep this paradigm in mind if we chose to employ such physical restraint and time-out procedures. In my mind you must pair such techniques with more systematic self-control techniques such as those advocated by Stan Fagen and others. It appears that the ultimate probability of a particular student leaving our specialized settings and returning to the regular class is highly contingent upon a transfer of control from our more external interventions to internal behavioral controls (Smith, White and Pererson, 1979).

We also need to assure that the professionals using restraint and time-out techniques are thoroughly trained in the appropriate use of such techniques. The soundest techniques will go awry if used by incompetent professionals. Time-out, for example, is a procedure which, although defined quite specifically in the literature (see, for example Walker, 1979), has seemed to have been used in many different ways (Grayson, Kiraly and McKinnon, 1978). So it is important to assure that the person using such a technique is thoroughly trained in how to use such an approach and is professional enough to ask for assistance when things are not going well.

There is also a need to specify the types of behavior with which such techniques are used as well as the age of students with whom they are used. Physical restraint and time-out, for example, should never be used for minor infringements but rather should be reserved for more significant incidents. As Walker (1979) has pointed out, other less intensive interventions such as response cost should be used in the case of minor incidents.

The age of the pupils for whom such interventions are to be used should also be considered. I am skeptical regarding the use of physical restraint

with youngsters older than elementary age. I question whether such techniques are worth the risks with these older pupils.

We also need to look at a description of the school setting in which these procedures are going to be used. There are a whole host of complicating variables involved with the implementation of physical restraint or time-out within a public school building which may not be relevant for a similar program operated within a residential treatment center. Among the issues to be considered here are:

-Where can time-out be implemented?

-What are the general consequences applied in the building for aggression?

-Can we afford to have standards which are quite different form the overall school?

-What support people are consistently available to the teacher to assist in times of crisis?

It seems naive to replicate an intervention strategy which has been demonstrated within a residential setting in our public schools if we have not taken into account the environmental differences between these settings.

Another major professional question we must ask is, "Does this intervention make a difference?" If we use time-out procedures to reduce certain noxious behaviors, we must document that such behaviors have, in fact, decreased in frequencey. The same test must be applied to physical restraint interventions.

A final best practices issue deals with the involvement of parents in such procedures. It is important for parents of the children with whom such procedures are used to be aware of and approve of these procedures. If these procedures come under fire, as they have in our state recently, these parents can

be our major supporters. In an article describing a public meeting held as the result of concern over such procedures used in Charles City, Iowa, the local paper Press reported on March 27, 1980:

> *Several parents maintained their children had benefited from the time-out room. One mother said her child was not very happy and complained about going to school but after being in Castle's (teacher) room, she really enjoyed school.*

Political Concerns

A final area which deserves mention in discussing physical restraint and time-out procedures might be described as political concerns. The brevity of my coverage of this area should not be interpreted as the lack of importance of this area.

These political concerns include the information which must be provided to a community including the parents of handicapped and non-handicapped students, other teachers in our building ond others regarding the purposes of these procedures. If we do not make efforts to inform these people, we are setting ourselves up for future problems. In my opinion this is a major contributing variable in those cases where time-out or physical restraint have been attacked within our state. As Bob McCauley (1977) states in a paper dealing with overall critical elements in programming:

> *A program that is not accepted or favored by those groups with whom it relates is probably not going to last long. Public relations can be important to a program's growth, survival, or impact. A*

well-conceived program that does not attract advocates, outside support, or professional acceptance just will not survive, or be used effectively. (10)

Conclusion

I have attempted in this paper to organize some random thoughts related to the use of physical restraint and time-out in programs for the behaviorally disordered. Preparing this paper has reinforced my biases regarding the complex nature of this issue. Perhaps the most important professional challenge we face is to reject the seductively simplistic notion that there is a single answer to the questions raised around the use and non-use of these procedures. It is our charge to consider the various issues involved, and employ procedures which are defensible professionally and legally and meet a criterion of "reasonableness" in the eyes of others.

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EXAMPLES OF

GUIDELINES, PROCEDURES

DRAFT

Guidelines for Seclusion Time Out*

Some handicapped children may require special programming because they exhibit maladaptive or severely agressive behaviors. The programs designed to modify maladaptive behaviors must emphasize the development of desirable and adaptive behaviors, rather than merely the elimination or supression of undesirable behaviors. Goals relative to behavior management, like other aspects of a child's individualized educational program, must reflect evaluation and decision by the case conference committee. Methods utilized in behavior management must be designed so that the least restrictive means of managing are employed. In addition, special attention must be directed to assuring protection of the rights of the child.

Time out from positive reinforcement has proven to be a popular and effective consequation technique for reducing the rate of inappropriate behavior. Although viewed as effective, time out is potentially a highly aversive procedure if used improperly. There are specific issues that must be addressed prior to instituting time out procedures because inappropriate usage could be considered abusive or ethically questionable. In Indiana current legal guidelines pertaining to the use of time out procedures are vague; however, litigation from decisions rendered in Wyatt vs. Stickney, 344 F. Supp. 373 (M.D. Ald. 1972) and Morales vs. Turman, 383 F. Supp 53 (E.D. Texas, 1974) are evidence that judicial monitoring of time out and other behavioral management procedures is probable and possible. Accordingly, local education agencies should develop, implement, and monitor guidelines for using time

*Thanks to Cindy Jackson, Indiana Department of Public Instruction for furnishing this material.

out procedures in classroom and related educational settings.

Seclusion time out procedures may be necessary for those behaviors which milder forms of time out are ineffective or not feasible. Such a situation exists when a student is so physically strong and behaviorally resistive that applications of contingency or exclusion procedures would endanger the physical well being of both that student, other students, or staff; or when a student displays such severe or skillful agression that the behavior must be eliminated before severe damage occurs or appropriate behavior can be shaped. Seclusion time out should be distinguished from exclusionary time out techniques which involve ignoring, contingent observation and removal from reinforcing activities, and exclusion time out from all reinforcement.

It is suggested that the student's case conference committee prescribe the use of seclusion time out for only those behaviors that warrent aversive procedures. It is strongly suggested that parent permission for the use of the seclusion time out procedure be secured at the time the procedure is discussed. The behavioral prescription that guides and details the usage of seclusion time out should be implemented on an <u>interim</u> basis so that continuous evaluation is encouraged. The following guidelines are offered to facilitate appropriate usage of seclusion time out procedures.

1. The behaviors that will result in time out should be explicitly stated. The statement should also idenfify the reinforcing situations that are maintaining the behavior.

2. The teacher or behavioral specialist should have documentation that the milder forms of time out or other reduction techniques have proved ineffective in suppressing the inappropriate behavior.

3. Teacher or behavioral specialist should formulate a concise, written statement of procedures to be followed when placing a student in seclusion time out.

4. If a seclusion time out room is utilized, the room should be free of objects and fixtures with which children could harm themselves; be properly lighted and ventilated; and be at least six by six feet in size. There should be means for visual monitoring of all portions of the room and the room should not be locked.

5. A staff member must be assigned to the area of the time out room so that continuous visual and auditory monitoring occurs.

6. The student should be confined to the room only until he/she is calm and otherwise indicates responsiveness to social interaction. This time period should not exceed three to seven minutes.

7. Records should be kept of each occasion when seclusion time out is used. The records should include:
   a. Student's name.
   b. A detailed account of the circumstances surrounding the episode and placement in time out.
   c. The time of day the student was placed in and released from time out.
   d. The total time in seclusion time out.
   e. The student's behavior in time out.
   f. The student's behavior after released from time out.

8. Differential reinforcement of more appropriate behavior must be included to accompany the use of seclusion time out.

9. When a prescription for seclusion time out is written, it is recommended that the student's program be examined for appropriateness. This review is encouraged because the need for this type of behavioral intervention could indicate that behavioral objectives, techniques, or other factors effecting the learning environment are not appropriately matched with the student's needs and behaviors.

Although the guidelines suggest a set of procedures to be utilized when seclusion time out is implemented, they represent suggestions for only one technique existing among a broad range of behavioral techniques and procedures. It is suggested that guidelines pertaining to the

implementation of other controversial procedures be developed. In addition, it is recommended that all personnel involved in designing and implementing behavioral management procedures be adequately trained, and monitored in such procedures. It is imperative that these personnel have attained levels of skill and competency so that their qualifications correlate with their responsibilities.

GRANT WOOD AREA EDUCATION AGENCY
POSITION ON TIME-OUT*

Time-out is the removal of the opportunity to engage in reinforced behaviors. When properly used, time-out may serve as an effective punishment procedure. In a broad sense, this removal may range from turning a chair away from the group, to cornering, to moving a child to the hallway, to placing a student in an unlocked, secluded area, to closing him in a "time-out box," to excluding him from school. It is "effective only if the classroom environment from which the child is removed is more reinforcing than the isolation area in which he is placed" (Rutherford, p. 53).

These policy guidelines for ethical and legal use of time-out are specifically for those systems that include exclusion of students for severe misbehavior into a time-out box or cabinet or room. They are drawn primarily from Gast and Nelson's recommendations printed first in Exceptional Children (April, 77) and reprinted in Iowa Perspective (April, 78, Carl R. Smith, Ed.). A reprint of that article and other supporting materials follow.

Restrictions on the Use of Time-Out

1. Time-out should be used only for behaviors that are destructive of property, aggressive to others, or severely disruptive to the class environment. General non-compliance, self-stimulation, academic refusal, etc. can be responded to with less stringent and restrictive techniques.

2. The necessity of using physical force to place a student in time-out beyond that reasonably managed by the teacher him or herself is inappropriate in a public school classroom. Involuntary time-out must not be used with such students, and in general, time-out is not an appropriate intervention for classroom use with any students older than twelve unless they have made a contractual agreement for its use.

3. Time-out rooms must meet structural guidelines and provide an adult the means of continuously monitoring, visually and auditorially, the students' behavior (see Gast and Nelson, #6 a-f).

4. Time spent in time-out must be kept within these limits:

   a. No more than 5 minutes each exclusion - pre-school.
   b. No more than 15 minutes each exclusion - lower elementary.
   c. No more than 20 minutes each exclusion - middle elementary.
   d. No more than 30 minutes each exclusion - upper elementary and up.
   e. No more than average of one time daily after first two weeks in classroom.

5. Should a time-out period extend past these limits, a professional colleague should be immediately called in to help evaluate the appropriateness of continuing the time-out procedure. This may be the Principal, Counselor, an ED Team member, or another AEA support staff person in the building.

*Provided by Polly Arp, Supervisor of Emotional Disabilities, Grant Wood AEA, Cedar Rapids, Iowa.

6. Time-out shall be altered or discontinued as a behavior change technique if data do not support its effectiveness. An advisory committee consisting of the Teacher, Principal, ED Team member, and parent should be called to evaluate the appropriateness of using time-out as a consequence for misbehavior if its effect in suppressing the behavior is questionable.

Components of Appropriate Use of Time-Out

1. Time-out must be paired with a plan to provide positive reinforcement for appropriate behaviors. "A cardinal rule in the use of time-out is that a corresponding effort should be made by the teachers to increase their level of positive interaction" with the child when he is "behaving appropriately, particularly during the time the seclusion program is in effect." (Forness, p. 91)

2. A concise written statement of procedures to be followed whenever placing a student in time-out should be prepared as a classroom guide and individualized for each student for whom a time-out program is to be used. (See Gast and Nelson, #5 a-c, for specific suggestions.)

3. The IEP must include a statement of the time-out plan and the behavior goals for its use. Through the IEP process, parents will have knowlege of and opportunity to agree with both the use of time-out and the positive components of their child's management plan.

4. Records must be kept of each occasion when time-out is implemented and should include those items listed by Gast and Nelson in recommendation #7.

5. Student participation in planning and carrying out his/her behavior management plan, including use of time-out, should be used to the maximum degree possible. (e.g. see Gast and Nelson, #5 c.)

6. Direct teaching of appropriate behaviors to be used in place of those punished by time-out should be included in the total behavior change program. Role playing, modeling and self-instruction techniques may be used in "debriefing" sessions following use of time-out.

Summary Comments

"A critical factor for the success of time-out appears to be the positive reinforcement available in the classroom. This procedure will only be effective if there is sufficient positive reinforcement available in the classroom so that removal from that setting, for no matter how short a time period, will be aversive to the child." (Rutherford, p. 54)

"Advantages and Disadvantages of Timeout. There is no question that timeout can be effective in controlling inappropriate/deviant child behavior. However, in the author's opinion, it should be used only as a last resort in changing child behavior. There are several reasons for this. First, timeout removes the child from classroom activities and deprives him/her of the opportunity to engage in appropriate or productive behavior while in timeout. Second, timeout is an easily abused technique and its use must be supervised and monitored very carefully. Third, when timeout is applied to nondisruptive relatevely innocuous classroom behaviors, it represents a form of overkill. Finally, other methods such as response cost are equally as effective as timeout, but are easier to manage and less subject to abuse." (Walker, p. 123)